

**35 USC 102 Rejections**

The Examiner rejected claims 9-10, 12-14, and 16 under 35 USC 102(e) as being anticipated by Kholsa (US 6,080,063). Claims 9-10, 12-14 and 16 are cancelled without prejudice, rendering this objection moot.

**35 USC 103 Rejections**

The Examiner rejected claims 11 and 15 under 35 USC 103(a) as being unpatentable over Kholsa. Claims 11 and 15 are cancelled without prejudice, rendering this rejection moot.

**Discussion of Cited Art**

Kholsa (US 6,080,063) discloses a live event game system where simulated player entities coexist, and interact, with real entities, such as cars in a race. Behavior of real entities may be determined through sensors that provide information to a preprocessor that is then supplied to player's computers wherein the simulation is run on each of the player's computers. In another embodiment, sensor information may be provided to a central computer system that provides live event simulation. These functions are performed over a computer network.

Kholsa discloses superimposing or otherwise combining a simulation image with a live event television signal. Kholsa discloses an overhead camera (such as in a blimp) or multiple cameras placed around a racecourse, to provide a live video image. Kholsa fails to realize the problem of players being at substantially different positions in the racecourse such that a single video feed (other than an overhead shot) is inadequate and unserviceable to allow multiple players. Providing a distinct video feed to each player is not recognized or disclosed, and presents problems of available bandwidth or requires players to tune to different channels, which is also not recognized or disclosed.

Kholsa does not disclose broadcasting the simulation to non-players, and does not disclose or suggest the use of a broadcast television network for interactive play. In a first embodiment, where simulations run on each of the player's computers, this would require upstream communication of player actions to another computer that merges each of the player's entities and produces a composite view of the simulation. Such processing is not suggested or disclosed. In an embodiment where all simulation is performed upstream, as disclosed in column 5 lines 39-43, Kholsa does not disclose broadcasting the central simulation to other viewers, nor is transmission of different versions of the simulation to each player disclosed. For example, applicant's claims specifically recite that signals ... "are specifically addressed to said player". The Examiner has asserted that column 6 lines 54-67 teach television broadcast to a plurality of viewers. However the cited section discloses transmission of sensor data to players but does not disclose broadcast of the game to non-players.

Galyean discloses a system in which multiple players may each be assigned a portal or active region that is part of a larger virtual environment. Galyean discloses both participating and non-participating viewers. Embodiments disclose both computer and television display of a portion of the virtual environment wherein the portions may overlap. With each active region, the user has a view of a portion of the virtual environment. The view on a user's computer monitor may differ from the view on the user's television screen. Galyean does not disclose a broadcast where signals are specifically addressed to a player.

None of the references, either individually or in combination teach or suggest "embedding first markup language code in a video broadcast stream, said first markup language code generated by said video game server and broadcast to a first set top box at a specific address in said video broadcast system, said first markup language code comprising a user interface for a first player of said at least two players " as recited in claim 17.

None of the references teach or suggest, “embedding HTML code in said broadcast stream” as recited in claim 19.

None of the references teach or suggest “combining said video images with second video images and broadcasting combined images to said plurality of set top boxes including said at least one set top box associated with a non-participating viewer” as recited in claim 20. .

**Conclusion**

The application as amended is believed to be in condition for allowance and such action is earnestly solicited.

Dated this 22<sup>nd</sup> day of September 2003.

Respectfully submitted,



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William W. Cochran  
Attorney/Agent for Applicant(s)  
Reg. No. 26,652  
The Law Offices of William W. Cochran, LLC  
3555 Stanford Road, Suite 230  
Fort Collins, CO 80525  
Phone: (970) 377-6363  
Fax: (970) 207-1985